



**Dated: October 25, 2019
The following is ORDERED:**

Jennie D. Latta
Jennie D. Latta
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

In Re:

LINDA M. WELCH,

Case No. 19-27857 JDL

Debtor in Chapter 13

**CONSENT ORDER CONDITIONALLY TERMINATING AUTOMATIC STAYS AS TO
HAPPY RENTAL REAL ESTATE, LLC AND AMENDING PLAN**

This matter came to be heard upon an agreement between Debtor and Happy Rental Real Estate, LLC (“Happy Rental”), by and through their respective attorneys, and upon the entire case record as a whole, from all of which, it satisfactorily appears to the Court that the parties have agreed and that a Consent Order accordingly be entered as to the following particulars:

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED BY THE COURT
AND AGREED TO BETWEEN THE PARTIES AS FOLLOWS:

1. The automatic stay, and any potential co-debtor stay, as to Happy Rental, be and the same are hereby conditionally terminated.
2. The Lease previously entered into between the parties as to the real property located at 3605 Suzanne Drive, Memphis, TN 38127 be and the same is hereby assumed by Debtor.
3. Debtor's Chapter 13 Plan be and the same is hereby modified and amended to treat Happy Rental's claim in the amount of \$1,549.00 (past due rent and fees in the amount of \$1,309.00 plus attorney's fees in 240.00) as a Class I claim to be paid to Happy Rental, at a monthly rate, in an amount to be determined by the standing Chapter 13 Trustee; payments are to be made by the Chapter 13 Trustee directly to Happy Rental at the following address: Happy Rental, 1138 Germantown Parkway, Suite 101-318, Cordova, TN 38016; this amount is inclusive of pre-petition unpaid rent and fees in the amount of \$1,309.00 and post-petition attorney's fees in the amount of \$240.00.
4. The Chapter 13 Trustee is hereby authorized and directed to take such actions as are necessary to implement the provisions of this Consent Order, and payments shall be modified as necessary.
5. In the event that any future, regular, ongoing, monthly lease payment, to be paid directly by Debtor to Happy Rental is late, beginning with the November 2019 payment (rent payments are due on or before the 5th day of each month), pursuant to the terms of the above-mentioned Lease, the automatic stay as to Happy Rental is hereby automatically modified without further

need of Order, Notice, pleading, or court appearance, such that Happy Rental might pursue possession of said premises as to Debtor or any possible co-debtors in a state court action.

6. This Consent Order is a final Order between Debtor and Happy Rental, or any successor to Happy Rental, regarding the subject real property, such that no future filing of any bankruptcy action by Debtor under any Chapter of the Bankruptcy Code shall affect Happy Rental, or its successor in interest, if any, regarding its seeking possession of the real property pursuant to state law. Also, if Debtor's case is hereby dismissed or converted to any other Chapter under the Bankruptcy Code, this Consent Order shall also modify the automatic stay of that case immediately upon filing any new case or upon the conversion of this case, such that Happy Rental, or its successor in interest, if any, is entitled to proceed, according to this Consent Order, to obtain said judgment regarding possession of the real property in question pursuant to Tennessee State law without regard to any automatic stay which might otherwise be in effect upon such refiling or upon such conversion without this Consent Order.

7. Should any post-petition debt arise during the course of the bankruptcy, such post-petition shall not be discharged.

APPROVED FOR ENTRY AND AGREED TO BY:

/s/ R. Alan Pritchard
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DIRECTIONS FOR SERVICE:

Debtor
Debtor's Attorney
Chapter 13 Trustee
R. Alan Pritchard